

FOOD STORAGE SPECIAL ORDER LC_10_D1_01

OCCUPANCY AND USE RESTRICTIONS

**NORTHERN CONTINENTAL DIVIDE ECOSYSTEM
FLATHEAD, LOLO, HELENA AND LEWIS AND CLARK,
NATIONAL FORESTS
REGION ONE
USDA, FOREST SERVICE**

Pursuant to 36 Code of Federal Regulations 261.50 (a) and (b), the following restrictions are in effect on the Flathead, Lewis and Clark, Lolo, and Helena National Forests, Montana within the Northern Continental Divide Ecosystem (NCDE). These restrictions are in addition to those enumerated in Subpart A, Part 261, Title 36, Code of Federal Regulations and become effective when signed, and shall remain in effect until rescinded or revoked. *They replace the previous Food Storage Special Order #LC0018 invoked on December 21, 2000, under authority of 36 Code of Federal Regulations 261.50 (a) and (b), which is hereby rescinded.*

1. Possessing or storing any food or refuse, as specified in the order from April 1 to December 1, annually for the Flathead, Lolo, and Helena National Forests; and March 1 to December 15, annually for the Lewis and Clark National Forest. [36 CFR 261.58(cc)]
2. Possessing, storing or transporting any bird, fish or other animal, or parts thereof as specified in the order from April 1 to December 1, annually for the Flathead, Lolo, and Helena National Forests; and March 1 to December 15, annually for the Lewis and Clark National Forest. [36 CFR 261.58(s)]

The Northern Continental Divide Ecosystem consists of National Forest System lands included within the boundaries of the Flathead, Lewis and Clark, Lolo and Helena National Forests and is further defined on the attached map, (Exhibit A) and hereby made part of this order. Also attached and hereby made part of this order is Food Storage Special Order Information and Definitions, (Exhibit B).

UNDER THIS ORDER IT IS REQUIRED THAT:


1. Human, pet and livestock food (except baled or cubed hay without additives), and garbage shall be attended or stored in a bear-resistant manner.
2. Wildlife carcasses that are within 1/2-mile of any camp or sleeping area shall be stored in a bear-resistant manner during nighttime hours.

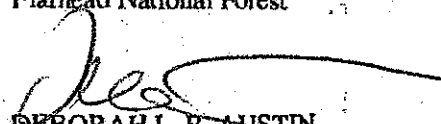
3. Burnable attractants (such as food leftovers or bacon grease) shall not be buried, discarded, or burned in an open campfire.
4. The responsible party shall report the death and location of livestock to a Forest Service official within 24 hours of discovery.

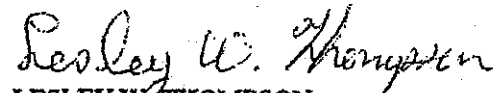
Pursuant to 36 CFR 261.50(e) the following persons may be exempt from this order (Flathead, Lolo, Lewis & Clark, or Helena Forest Supervisors are delegated the authority to grant the exemption in writing):

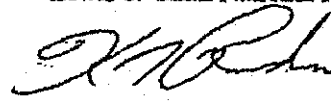
1. Persons with a permit specifically authorizing the prohibited act or omission.
2. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.

Done this 16TH day of APRIL, 2010.


EARL APPLEKAMP
Acting Forest Supervisor
Flathead National Forest


DEBORAH L. R. AUSTIN
Forest Supervisor
Lolo National Forest


LESLEY W. THOMPSON
Forest Supervisor
Lewis & Clark National Forest


KEVIN RIORDAN
Forest Supervisor
Helena National Forest

Attractants may be "attended" rather than stored in a bear-resistant manner. However, it is strongly recommended that attractants and all items with odors be stored in bear-resistant containers or suspended 10 feet high and 4 feet away from the supporting structure and stored at least 300 feet from any sleeping area.

The purpose of these restrictions are to minimize grizzly bear-human conflicts and, thereby, provide for visitor safety and recovery of the grizzly bear within the Northern Continental Divide Ecosystem.

Violations of these prohibitions are punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than 6 months, or both (16 U.S.C 551 and 18 U.S.C. 3559 and 3571).

EXHIBIT "A"

SPECIAL ORDER - FOOD STORAGE

NORTHERN CONTINENTAL DIVIDE GRIZZLY BEAR ECOSYSTEM

Northern Region - Flathead, Lewis & Clark, Lolo and Helena National Forests

KEY

Special Order Boundary

The boundary identified on this map is approximate and only applies to National Forest system lands. Contact your local Forest Service office for exact boundaries.

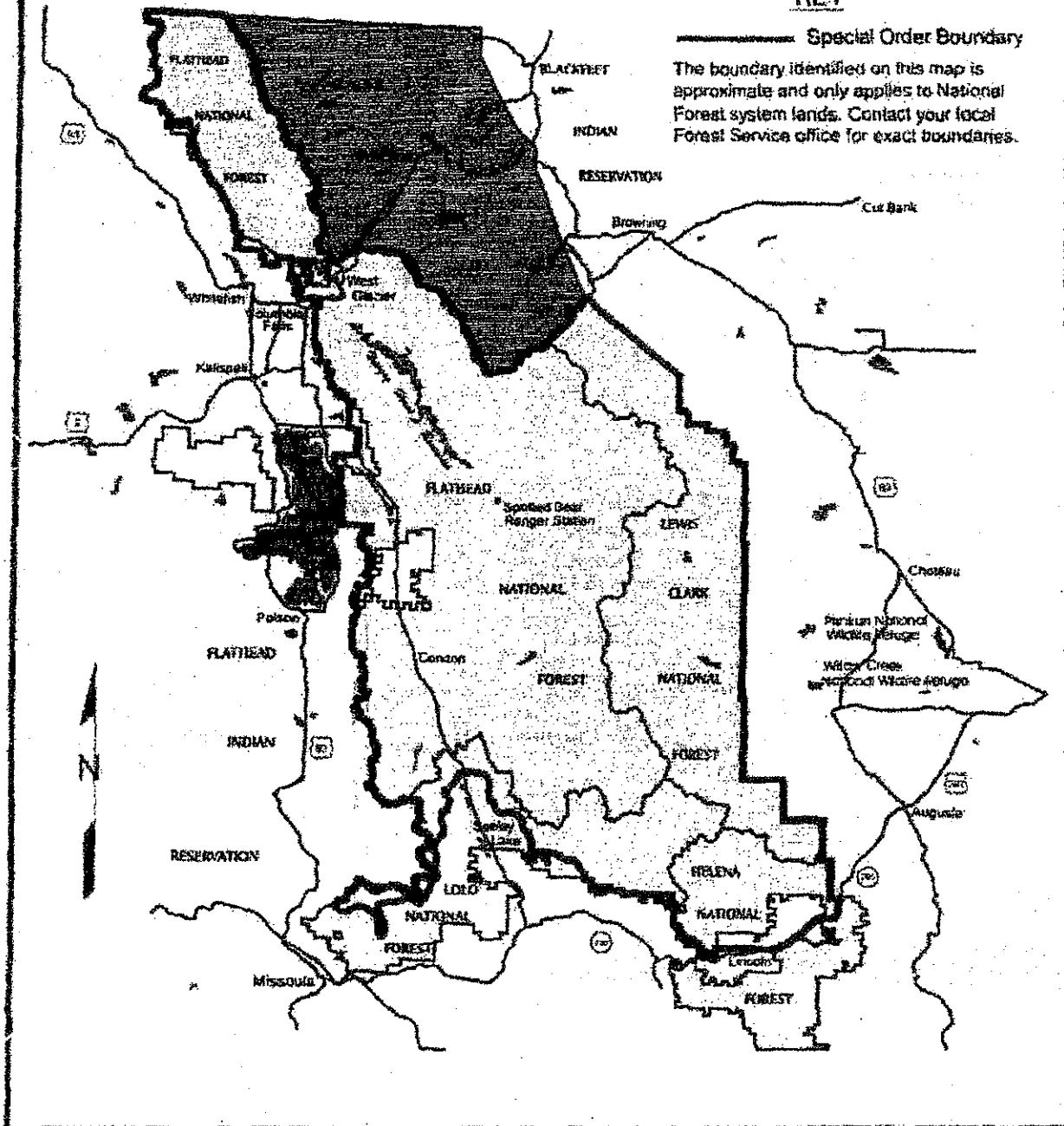


EXHIBIT "B"

INFORMATION

IT IS REQUIRED THAT:

1. **Human, pet and livestock food (except baled or cubed hay without additives), and garbage shall be attended or stored in an approved bear resistant manner when unattended**
2. **Wildlife carcasses, birds, fish or other animal parts that are within 1/2-mile of any camp or sleeping area shall be stored in a bear-resistant manner during nighttime hours. If a wildlife carcass is within an attended camp during daytime hours it may be on the ground.**
3. **Attractants (such as food leftovers or bacon grease) shall not be buried, discarded, or burned in an open campfire.**
 - A. Leftover food or food waste products may be placed in an appropriate, sealed container and packed out with garbage.
 - B. Leftover food or other attractants may be burned in a contained stove fire.
 - C. Attractants may be placed into a suitable container (i.e. tin can) to prevent leaching into the ground and burned over an open campfire. Any remaining attractants unconsumed by burning shall be placed with other garbage and packed out.
4. **The responsible party shall report the death and location of any livestock to a Forest Service Official within 24 hours of discovery. In some very remote areas, it may not be possible to meet the 24-hour requirement. In these special cases, the responsible party shall report to a Forest Official the discovery of any dead livestock within 48 hours.**
5. **Approved bear-resistant containers meet the following criteria: A securable container constructed of solid material capable of withstanding 200 foot-pounds of energy applied by direct impact. A bear-resistant container developed commercially must be approved by the USDA, Forest Service, Missoula Technology and Development Center (MTDC). Bear-resistant containers developed for personal use may be inspected for approval by the local District Ranger or their designated representative(s). For commercial operations, the MTDC has an impact testing machine available to evaluate containers for strength.**

EXHIBIT "B"

DEFINITIONS

1. **Attended:** At least one adult person (attendee) is physically present within 100 feet of attractants during **daytime hours**. During the **nighttime hours**, all attractants must be within 50 feet of the attendee, or attractants must be stored in a bear-resistant manner. During the **nighttime hours**, no physical barrier, except tents or containers or attractant packaging material may exist between the attendee and attractants which are not stored in a bear-resistant manner.
2. **Attractant:** Food as defined below and garbage from human, livestock or pet foods.
3. **Food:** Any nourishing substance, which includes human food or drink (canned, solid or liquid), livestock feed (except baled or cubed hay without additives) and pet food.
4. **Attendee:** An adult (18 years of age or older) in control of attractants.
5. **Bear-resistant container:** A securable container constructed of solid material capable of withstanding 200 foot-pounds of energy applied by direct impact. The container, when secured and under stress, will not have any openings greater than one-quarter (1/4) inch, that would allow a bear to gain entry by biting or pulling with its claws.
6. **Bear-resistant manner** means any attractants, including food and garbage, must be stored in one of the following ways if unattended:
 - a. secured in a hard-sided camper or vehicle trunk or cab or trailer cab;
 - b. secured in a hard-sided dwelling or storage building;
 - c. suspended at least 10 feet up (from the bottom of the suspended item) and 4 feet out from any upright support, i.e. tree, pole;
 - d. stored in an approved bear-resistant container;
 - e. stored within an approved and operating electric fence;
 - f. stored in any combination of these methods;
 - g. or stored by methods other than those described in Section #6, a-f, that shall be approved in writing by the Forest Supervisor responsible for their area of jurisdiction.
7. **Contained fire stove:** a metal stove that completely encloses the fire.
8. **Daytime:** 1/2-hour before sunrise until 1/2-hour after sunset.
9. **Nighttime:** 1/2-hour after sunset until 1/2-hour before sunrise.
10. **Livestock:** A domesticated animal, such as mule, horse, llama, or goat.

EXHIBIT "B"

11. **Wildlife carcass:** The body, or any parts thereof, of any deceased wild animal, bird, or fish.
12. **Approved electric fences will meet, as a minimum, the following specifications:**
 - a. **7 Strand Fence** (refer to Forest Service publication 9923-2321-MTDC, "Electric Fence Systems: Requirements for Meeting the NCDE Food Storage Special Order, 1999", for more description of fence specifications and set-up):
 - i) The fence will be set up as a "tight wire" fence. The wire will be tight and under tension, not loose or sagging.
 - ii) Minimum fence height.....4 feet.
 - iii) Minimum post height.....5 feet.
 - iv) Maximum spacing between posts.....8 feet.
 - v) Conductors (wire): Minimum of 7 wires, with 6-10 inch spacing between wires. Bottom wire must be within 2 inches of the ground. All wire must be smooth metal fence wire of at least 16 gauge or poly wire, except the top wire which may be poly tape of at least six strand stainless steel.
 - vi) The system will be set up to operate both as a ground wire return and a grounded system. The 2 top wires will be hot, with all other wires alternating hot and ground. The minimum length ground rod is 2 feet.
 - vii) Fence charger (minimum): (1) energizer output of 0.7 joules; (2) tested peak output of 5000 volts; (3) 40 shocks per minute. User must be able to test electrical output in the field.
 - viii) The charger must be made inaccessible to disturbance from a bear. The charger may be stored within the interior of the fence or located a minimum of 10 feet above ground.
 - ix) Minimum distance between fence and items enclosed by fence.....3 feet.
 - b. **Portable Electric Mesh Fence** (refer to Forest Service publication 0723-2305-MTDC, "Specifications for Portable Electric Fence Systems as Potential Alternative Methods for Food Storage, 2007", for more description of fence specifications and set-up):
 - i) Portable electric mesh fence shall not be left in any location for more than 14 days.
 - ii) Minimum fence height.....33 inches.

EXHIBIT "B"

- iii) Minimum post length.....42 inches.
- iv) Post construction required to be polyethylene with metal spike on bottom.
- v) Minimum of 3 strands of stainless steel wire per horizontal wire.
- vi) Minimum number of horizontal wires.....8.
- vii) Horizontal opening in mesh required to be less than 12 inches.
- viii) Minimum length of ground rod required to be 1 foot. Earth ground is mandatory.
- i) Fence charger (minimum): (1) energizer output of 0.11 joules; (2) Minimum tested peak output voltage (on every hot conductor, with no load other than the fence) required to be 5,000 volts.; (3) Minimum pulse duration (with a 10,000-ohm load applied) required to be 0.05 milliseconds; (4) Minimum shocks per minute.....35. **User must be able to test electrical output in the field.**
- ix) Minimum distance between fence and items inside.....1½ feet.
- x) Readable placard indicating fence is electrified is required.
- xi) Maximum fence length.....60 feet.
- xii) Minimum of 2 LED lights.